



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,861	06/28/2001	Anthony F. Istvan	20643/1205190-US1	5363
60539	7590	08/29/2007		
Digeo			EXAMINER	
c/o DARBY & DARBY P.C.			BROWN, RUEBEN M	
P.O. BOX 770				
Church Street Station			ART UNIT	
NEW YORK, NY 10008-0770			2623	
			MAIL DATE	
			08/29/2007	
			DELIVERY MODE	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/895,861	Applicant(s) ISTVAN ET AL.	
	Examiner Reuben M. Brown	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5-11 and 14-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1, 5-11 & 14-27 is/are rejected.
- 7) ☐ Claim(s) 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/3/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/7/2007, with respect to the independent claims have been fully considered, but they are not persuasive. Applicant's first argument, found on page 8 is that in contrast to the amendments to claim 1, in Ellis the user is required to select the client systems to which a change will be made. Examiner respectfully disagrees. While it is true that the cited portions of Ellis does teach that the user chooses from options, "Apply to All", "Apply to current location", or "Apply to Select location", Ellis is not limited by this feature.

Ellis clearly points out that in all of the changes made, the system may operate in a manner that applies the settings to default locations determined by factors described "above". In particular, page 26, lines 10-25, discloses that "the guide may default to any combination of the locations based on the type of setting that is changed". In other words the settings maybe transmitted nay combination of default locations, meaning without activity from the user. Examiner asserts that, "any combination of locations", reads on the claimed, 'to all of the client systems of the plurality of client systems', as recited in claim 1. Ellis goes on to specifically point out that this teaching of default location combinations is true with respect to all of instances, see pg. 28, lines 12-14; pg. 29, lines 2-4; pg. 34, lines 12-14; pg. 40, lines 1-3; pg. 42, lines 18-20; pg. 43 lines 7-10 & page 43, lies 25-39.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-8, 21-22 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, (WO 00/04707), in view of Horiwitz, (U.S. Pat # 6,785,901).

Considering claims 1, the claimed system for viewing multimedia content, the system comprising;

‘a communication network’, and ‘a content & a broadcast center coupled to the communication network’, reads on the disclosure in Ellis that a local network of user equipment (set top boxes 60-68 & 81-83), is connected to a CATV headend via a server 80; Fig. 5; page 18, lines 5-22. The CATV headend meets the claimed ‘broadcast center’ and is inherently connected to a plurality of ‘content sources’. Furthermore the CATV distribution system in Ellis reads on the claimed ‘communication network’.

Art Unit: 2623

‘a plurality of client systems coupled to the broadcast center, wherein the plurality of client systems is organized according to an object-oriented model in which logical software objects are instantiated in an object hierarchy, that includes; a household object that contains attributes and data related to a household in which the clients systems are located’. The GUI shown in Fig. 11 & Figs. 18a&b disclose

‘a plurality of user objects that contain attributes and data related to respective user of the client systems’, reads on the profiles for each user of the system such for the parents and kids, page 24, lines 26-36; page 30, lines 1-23; page 33, lines 28-34 thru page 34, lines 1-15.

‘wherein the user objects are contained in the household object and, when instantiated, the user objects define the interaction of the respective users with the plurality of client systems’, also reads on the customized profiles, Ellis teaches that the user objects may be communicated to a plurality of locations within the household, (Fig. 3-5; Fig. 14; page 24, lines 7-32; page 26, lines 3-32; page 34, lines 1-15). However, Ellis does not explicitly disclose that a particular STB may be controlled by more than one user object. Nevertheless Horiwitz, which is in the same field of endeavor discloses that it is advantageous to enable a plurality of different user (objects) to access a particular STB, col. 10, lines 32-54 & col. 11, lines 1-62. Horiwitz goes on to teach that the system is most effective when each user is required to log on the particular STB, col. 10, lines 54-67, thereby ensuring the identify the instant user (object).

Art Unit: 2623

It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Ellis with the feature of enabling multiple users to access their profile, i.e., user object from each particular STB, since it was well known that multiple users are accessing programming content from the instant particular STB, as taught by Horiwitz.

As for the amended claimed feature of the, 'wherein a client system of the plurality of client systems accessed by a user to change a configuration of a user object of the plurality of client systems, the system being configured to provide the change to all of the client systems of the plurality of client systems without further activity from the user and without the user selecting the plurality of the client systems to provide the change', Ellis teaches that once a change is made, that the setting, may by default be applied to any combination of locations, which meets the claimed subject matter, page 26, lines 10-25.

Considering claims 5 & 24, in Ellis/Horiwitz any new STB added to the system, to which a user may access his profile by inputting the password, meets the claim. This is true since whenever the user logs onto the different STB, the profile is available, including any updates previous made to the user's profile. Therefore, the user object is made available without requiring input from the user.

Considering claim 6, Official Notice is taken that at the time the invention was made, it was well known the art for a user object to be active on multiple equipment devices, concurrently. It would have been obvious for one of ordinary skill in the art at the time the

Art Unit: 2623

invention was made, to modify Ellis with the feature of enabling a user object, to be maintained concurrently on multiple equipment devices, at least for the desirable advantage of the user being able to share his/her profile/pretences with another user in a different location.

Considering claim 7, the claimed 'anonymous user object, such that the anonymous user object is configured to be accessible to all users', is met by the guest user object.

Considering claim 8, the claimed feature of the 'server operatively coupled to the access means, and configured to include information related to each user object', is met by the discussion in Ellis, that using the master device, the primary use may adjust the controls and settings for all of the other devices, see page 24, lines 8-35 thru page 25, lines 1-34.

In particular, both primary user equipment 60 and the server 80, read on the claimed server, (Figs. 3-5 & Fig. 7a; page 16, lines 17-35; page 18, lines 5-22; page 19, lines 17-35). The claimed feature of 'including information related to each user of the plurality of user objects', reads on the master device controlling all of the other devices.

Considering amended claim 21, the claimed method for viewing content delivered to a client system, comprising method steps that correspond with subject matter mentioned above in the rejection of claims 1, are likewise treated.

‘associating plurality of client systems with a household’, is met by the disclosure of Ellis, (Fig. 3-5; Fig. 7; page 16-19).

‘delivering content from a content source via a communication network to at least one of plurality of clients systems’, is met by the disclosure of Ellis, page 12, lines 5-25.

As for the additionally claimed feature that the, ‘data related to the users including an individual e-mail address for each object’, Ellis teaches that messages may be transmitted between locations in the system using any suitable commutation technique, including the e-mail protocol, page 38, lines 1-30; Figs. 29-30. Since the different rooms in Ellis have been assigned a name, Fig. 11 & Fig. 13, such as Parent’s Room, Bobbi’s Room, etc., which therefore may be associated with a particular person(s), and Ellis teaches transmitting e-mail between the different rooms, the reference reads on the claimed user object.

Considering claim 22, the claimed feature of the ‘system being configured to be selectively accessed by a user to change a configuration of a user object, such that the system is configured to provide the change to all of the client systems without further activity from the user’, corresponds with subject matter mentioned in the rejection of claim 1, and is likewise treated. In particular, Ellis page 26, lines 10-25 meets the claimed subject matter.

Art Unit: 2623

4. Claims 9-10, 23 & 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis & Horiwitz, further in view of Goodman, (US-PGPUB 2006/0059253).

Considering claims 9-10 & 23, even though Ellis teaches that the user may configure the system, the reference does not teach the claimed feature of maintaining a history, with corresponding sequence with respect to the configuration changes of the equipment. Nevertheless, Goodman which is in a similar field of endeavor, of local networked computing devices, discloses maintaining the earlier version of a configuration, just in case the system need to revert back to instant earlier version, see Para [0170]-[0171] & [0233]-[0235]. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Ellis with the feature of managing the configuration of devices, such that the version numbers of configurations are kept, at least in the case that the system needs to be rolled back to the earlier version, as taught by Goodman, Para [0234].

Considering claim 26, the claimed 'update identifiers' reads on version numbers as disclosed in Goodman. The additionally claimed, 'bit vectors' is broad enough to read on the actual configuration changes made, which Goodman discloses that the smallest unit is a package, see Para [0229]-[0230] & [0235].

Considering claim 27, the claimed subject matter is broad enough to read on the system knowing the identity of each of the client systems and determining the update based on the instant identifier and the most recent update, which is inherent in Ellis. However, Ellis lacks the

Art Unit: 2623

additional feature of, 'receiving an identifier from a client system'. Official Notice is taken that at the time the invention was made, it was well known in the art for client systems to identify themselves to a controller or server, by sending its identification information. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Ellis with the feature of receiving identification information from a receiver system, at least for the purpose of identifying the instant receiver in the system.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, Horiwitz & Goodman, further in view of Pawson, (U.S. Pat # 6,944,585).

Considering claim 25, Ellis does not each assigning each user object a pay-per-view ID. Nevertheless Pawson, which is in the same field of endeavor, provides teaching of each user having an attached user ID tag 181, col. 5, lines 1-20. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Ellis with the feature of each user having a viewing identifier as taught by Pawson, for the advantage of identifying the profile of the user, see col. 5, lines 20-50.

6. Claims 11 & 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis & Horiwitz, and further in view of Pawson, (U.S. Pat # 6,944,585).

Art Unit: 2623

Considering claim 11, the claimed system for viewing multimedia, the system comprising elements that correspond with subject matter mentioned above in the rejection of claim 1, is likewise treated.

‘distribution means for distributing multimedia content from a source’, reads on the TVDF 38 in Ellis, (Fig. 1).

‘plurality of access means, communicatively coupled to the distribution means, for providing access to the multimedia content’, is met by the plurality of set top boxes 60-70 & 81-83, (Fig. 3-5; Fig. 7; page 16-19).

As for the additionally claimed feature that the objects contain a user name & password, Ellis does not meet the limitation. Nevertheless, Pawson which is in the same field of endeavor discloses a teaching of each family member being assigned user profile and a corresponding username & password, col. 4, lines 8-30. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Ellis with feature of each object having a username and password for the desirable improvement of each user being able to identify himself to the system, as taught by Pawson, thereby restricting what the other family members are able to view with respect to their particular profile or object.

Considering claim 14, the claimed feature of the ‘system being configured to be selectively accessed by a user to change a configuration of a user object, such that the system is

Art Unit: 2623

configured to provide the change to all of the client systems without further activity from the user', corresponds with subject matter mentioned in the rejection of claim 1, and is likewise treated. In particular, Ellis page 26, lines 10-25 meets the claimed subject matter.

Considering claim 15, the claimed feature corresponds with subject matter mentioned above in the rejection of claim 5, and is likewise treated.

Considering claim 16, the claimed feature corresponds with subject matter mentioned above in the rejection of claim 6, and is likewise treated.

Considering claim 17, the claimed feature corresponds with subject matter mentioned above in the rejection of claim 7, and is likewise treated.

Considering claim 18, the claimed feature corresponds with subject matter mentioned above in the rejection of claim 8, and is likewise treated.

7. Claims 19-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, Horiwitz, Pawson & Goodman.

Considering claims 19-20, even though Ellis teaches that the user may configure the system, the reference does not teach the claimed feature of maintaining a history, with corresponding sequence with respect to the configuration changes of the equipment. Nevertheless, Goodman which is in a similar field of endeavor, of local networked computing devices, discloses maintaining the earlier version of a configuration, just in case the system need to revert back to instant earlier version, see Para [0170]-[0171] & [0233]-[0235]. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Ellis with the feature of managing the configuration of devices, such that the version numbers of configurations are kept, at least in the case that the system needs to be rolled back to the earlier version, as taught by Goodman, Para [0234].

Allowable Subject Matter

8. Claims 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2623

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER